

IN THE UNITED STATES PATENT OFFICE

In Re Pending Patent Application
S.N.10/750,393 - Filed 12/3/2003
For Gaseous Fuel Production From
Fragmented Carbon-Rich Fuelstock

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Atty. Dkt. 277-001P

In view of the Examiner's objection to the length of the prior Abstract, revision of it now meets the number of words limitation, as below; and also on a separate Abstract sheet.

ABSTRACT: Non-self-combustible gaseous product, combustible with added air or equivalent oxygen source, is produced via electric-arc processing of wetted, laterally spread, fragmented carbonaceous feedstock, in surroundings tolerant of very high temperatures, as via simultaneous compression and electrical exposure of such feedstock thereto, and thereby inducing concurrent evolution of combustible gas therefrom.

I. METHOD CLAIMS ONLY

To meet the Election Requirement asserted by the Examiner, Applicant elects to pursue only Method Claims in the present application and, therefore, does the following:

- i. Withdraws Reactor Claims 10, 11, 12, 16 to 19, and Product Claims 14 & 20; and
- ii. Retains Method Claims 1 (amended), and 2 to 9; also 13 & 15 (both amended); and
- iii. Proposes New Method Claims 21 through 28.

II. REFERENCES CITED

Applicant notes that, in rejecting all twenty of Applicant's originally filed claims, the Examiner cited, as precluding such newly sought patent coverage, the following references:

- w. RAPP, *et al.* Application Publication 0051992 A1, 20 May 2004; and
- x. DAMMANN, *et al.* Patent 5,417,817; and also
- y. SANTILLI *et al.* Appn. 10/867,915; and finally
- z. Applicant's own copending application 10/867,916--filed *later* than the present one.

III. APPLICANT'S ACTIVITIES

Applicant notes that, after practicing patent law before the PTO for half a century, apportioned about equally within the respective Philadelphia and Tampa areas--being then, as he still is, a member of the Bar in each city's respective governing State. He moved to his present mid-east location in the year 2002, and *inter alia* filed three patent applications of his own--all being for improvement in production of hydrogen gas from carbonaceous material.

The present Examiner now cites such second patent application against this earlier one!

Earlier this year, Applicant--not having received an examiner's action upon any of his three (3) identified patent applications--wrote to the Commissioner of Patents, so stating, and inquiring when he might receive official word on the merits. A copy thereof is appended here. No response thereto was ever received by Applicant, who would like to believe that unheralded publication of the second of his three noted applications was not a consequential PTO measure. Query: Did the PTO publish Applicant's third application likewise without prior notice to him?

IV. DETAILED ACTION (Single Group)

1. The Examiner's first class Group I (method) has been selected, as already noted above.
2. Group I justification is unnecessary, per above selection, so needs no comment; but note that claim 1 subpart (b) originally recited compacting such feedstock--and, hence, still does so.
3. The Examiner's stated conclusion that the product "as claimed" can be made "by a process without the compacting of the feedstock" is irrelevant as no such product is claimed here at all.
4. The Examiner's commentary about Groups II and III and IV is rendered irrelevant now, by Applicant's election of Group I. In short, only a process is claimed--not a resulting product.
5. Any differences of unclaimed Groups II and III have become inapplicable now, in view of Applicant's already noted conclusive selection of Group I.
6. Applicant's selection of such Group restriction largely precludes field-of-search issues.
7. Applicant reaffirms his election to prosecute only Group I claims--thus, no Group issue.
8. The Abstract has been reduced, to below the 150 word maximum, so that also is no issue.
9. Any specification page absence as filed is regretted. See note on concluding page hereof.
10. The Examiner's adept dealing with some noted (specification-proper) page absence was presumably ameliorated in pertinent part by the appended sheets with extensive pictorial and verbal expositions not otherwise noted but compensating very well for any missing text pages.
11. Elected method claims 1 to 9, 13, and 15 should be maintained, especially in view of recent. By amended claim 1, definite in view of the additions made hereby thereto--thus, also in dependent claims 2 to 9--the feedstock is clearly noted as being both wetted and compacted.
12. The specification properly concludes with one or more claims "particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention."
13. The stated feedstock of claim 1 is preferably both wetted and compacted. Dependence upon claim 1 is definite by virtue of "and also" at the end of part (b); thereby also rendering definite claims 2 to 9, by their dependence thereon. Also, claim 9 is not indefinite for lacking antecedent basis of "such compacting module"--as it recites the preferable verbiage: "compaction module".
14. Applicant has no quarrel with the extensive quotations from 35 U.S.C. 102 & 103(a), which are directed, respectively, to the negative effects of a prior invention or obvious refinement, but respectfully asserts that his subsequently filed [unexamined!] application isn't pertinent here.

V. THE REFERENCES TRAVERSED

1. The RAPPA citation is distinguished from the present claimed invention by (*inter alia*) reliance upon feeding the subject material, from which hydrogen is to be extracted, laterally past fixed vertical pipe-like cathode (32)--which also may conduct cooling water. Applicant, however, (i) practices vertical compaction of subject material, (ii) has multiple side-by-side electrodes; and (iii) utilizes a laterally expansive, electrically conductive layer of treatable subject material

2. The DAMMAN citation also is dissimilar from this claimed invention, by (*inter alia*):

(i) a reflective reaction chamber---cf. Applicant's concrete (or the like) walls and flooring of electrically conductive metal overlay, receptive to an expansive over-all layer of fragmented carbonaceous material, subject to electrical treatment via electrodes variably located overhead;

(ii) laterally spaced opposing carbon electrodes--cf. Applicant's conductive flooring as an expansive electrode, and superimposed laterally spaced overlying electrodes movable vertically;

(iii) Applicant's lateral spacing of multiple independently controllable electrodes whose respective spacing from such expansive electrode may be like or dissimilar as may be desired.

3. The SANTILLI citation is disqualified similarly, such as by its teaching of horizontally oriented electrodes, horizontal compression etc. [Yet its listing of references is admired for its inclusion of the nine Richardson patents--for which this Applicant was the patent attorney.]

VI. CONCLUSION

In summary, whatever might reasonably be deduced from the cited references, whether considered separately or together, would be unlikely to anticipate or otherwise tend to foretell the representation(s) of features currently claimed by Applicant in the present documentation.

NOTE: As for the Examiner's citation of--and reliance upon--one of Applicant's later applications for rejection of the present one, Applicant respectfully asserts that no subsequent disclosure should deserve (much less, enjoy) priority over such *earlier filed* disclosure: Q.E.D.

VII. THE CLAIMS SUMMARIZED

By this response, claims 10, 11, 12, 14, 16, 17, 18, 19, and 20 are withdrawn, pursuant to the Examiner's recent requirement for current subject matter limitation to method claims only.

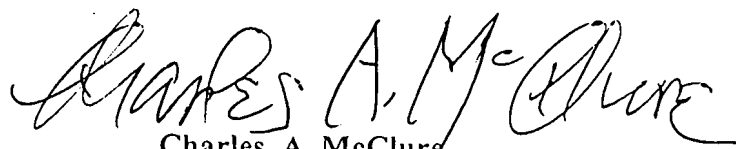
Hence, as now presented, the claims are as follows: 1, 2 (both amended); 3, 4, 5 (all three being unchanged); 6 (amended); 7, 8, 9 (all three unchanged); 13 (amended); and 15 (amended). The amendments are intended to render the resulting claims even more eminently patentable.

The currently unclaimed inventive aspects of this invention are reserved for prospective separate future presentation and, hopefully, resulting allowance at such currently indefinite time.

In summary, Applicant urges the Examiner to review--and to allow--each and every one of Applicant's claims, as now presented, listed following this conclusion of the foregoing text.

Respectfully submitted

NOTE: A complete copy of the application's whole text, (pp. 1 thru 7, less its claims) is appended here by request.


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